

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

A BILL FOR

1 An Act relating to governmental bodies and meetings of
2 governmental bodies under Iowa's open meetings law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 21.2, Code 2011, is amended to read as
2 follows:

3 **21.2 Definitions.**

4 As used in this chapter:

5 1. "*Governmental body*" means:

6 a. A board, council, commission, or other governing body
7 expressly created by the statutes of this state or by executive
8 order.

9 b. A board, council, commission, or other governing body
10 of a political subdivision or tax-supported district in this
11 state.

12 c. A multimembered body formally and directly created by
13 one or more boards, councils, commissions, or other governing
14 bodies subject to paragraphs "a" and "b" of this subsection.

15 d. Those multimembered bodies to which the state board
16 of regents or a president of a university has delegated
17 the responsibility for the management and control of the
18 intercollegiate athletic programs at the state universities.

19 ~~e. An advisory board, advisory commission, or task force~~
20 ~~created by the governor or the general assembly to develop and~~
21 ~~make recommendations on public policy issues.~~

22 ~~f.~~ e. A nonprofit corporation other than a fair conducting
23 a fair event as provided in chapter 174, whose facilities or
24 indebtedness are supported in whole or in part with property
25 tax revenue and which is licensed to conduct pari-mutuel
26 wagering pursuant to chapter 99D or a nonprofit corporation
27 which is a successor to the nonprofit corporation which built
28 the facility.

29 ~~g.~~ f. A nonprofit corporation licensed to conduct gambling
30 games pursuant to chapter 99F.

31 ~~h. An advisory board, advisory commission, advisory~~
32 ~~committee, task force, or other body created by statute or~~
33 ~~executive order of this state or created by an executive order~~
34 ~~of a political subdivision of this state to develop and make~~
35 ~~recommendations on public policy issues.~~

1 ~~*f.*~~ *g.* The governing body of a drainage or levee district
2 as provided in chapter 468, including a board as defined in
3 section 468.3, regardless of how the district is organized.

4 ~~*j.*~~ *h.* ~~An advisory board, advisory commission, advisory~~
5 ~~committee, task force, or other body created by an~~ An entity
6 or a joint board established or organized pursuant to an
7 agreement under chapter 28E, or by the administrator or joint
8 ~~board specified in a chapter 28E agreement, to develop and make~~
9 ~~recommendations on public policy issues unless the agreement~~
10 includes public agencies from more than one state.

11 *i.* An advisory board, advisory commission, advisory
12 committee, task force, or other body created by any of the
13 following to develop and make recommendations on public policy
14 issues:

15 (1) The governor or the general assembly.

16 (2) A statute or executive order of this state.

17 (3) An executive order or motion, resolution, or ordinance
18 of a political subdivision of this state.

19 (4) A governmental body as defined in paragraphs "a" through
20 "h".

21 2. "Meeting" means a gathering in person or by electronic
22 means, formal or informal, of a majority of the members of
23 a governmental body where there is deliberation or action,
24 ~~upon any matter within the scope of the governmental body's~~
25 policy-making duties or formulation of public policy or
26 recommendations relating to public policy, concerning public
27 business within the governmental body's duties or discretion.
28 Meetings shall not include a gathering of members of a
29 governmental body for purely ministerial or social purposes
30 when there is no discussion of policy or no intent to avoid the
31 purposes of this chapter.

32 3. "Open session" means a meeting to which all members of
33 the public have access.

34 Sec. 2. Section 21.11, Code 2011, is amended to read as
35 follows:

1 **21.11 Applicability to nonprofit corporations.**

2 This chapter applies to nonprofit corporations which
3 are defined as governmental bodies subject to section 21.2,
4 subsection 1, paragraph ~~"f"~~ "e", only when the meetings
5 conducted by the nonprofit corporations relate to the conduct
6 of pari-mutuel racing and wagering pursuant to chapter 99D.

7 EXPLANATION

8 This bill relates to governmental bodies and meetings of
9 governmental bodies under Iowa's open meetings law.

10 The bill amends the definition of governmental body for
11 purposes of the open meetings law (Code chapter 21) to provide
12 that all advisory bodies created by the governor, general
13 assembly, statute or executive order of this state, executive
14 order or motion, resolution, or ordinance of a political
15 subdivision of this state, or a governmental body defined
16 in Code section 21.2, subsection 1, to develop and make
17 recommendations on public policy issues, are subject to the
18 requirements of the open meetings law.

19 The bill amends the definition of a meeting for purposes
20 of Code chapter 21 (Iowa's open meetings law) to provide that
21 a meeting includes a gathering in person or by electronic
22 means, formal or informal, of a majority of the members of
23 a governmental body where there is deliberation or action,
24 or formulation of public policy or recommendations relating
25 to public policy, concerning public business within the
26 governmental body's duties or discretion.